

REMARKS

Claims 1-23 are pending in the present patent application. By the final Office Action mailed October 11, 2005, claims 1-23 were rejected. By this Amendment, claims 1, 17 and 18 are amended. This application continues to include claims 1-23.

Claims 1-10, 12, 17, 18 and 20-23 were rejected under 35 U.S.C. §102(e) as being anticipated by Yamazaki (U.S. Patent No. 6,785,727 B1). Claims 11, 13-16 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yamazaki.

Each of Applicants' independent claims 1, 17 and 18 have been amended to clarify that, in contrast to *the time reservation based system* of Yamazaki, the present invention operates on a fair-sharing first come first serve basis. Support for Applicants' amendment of claims 1, 17 and 18 can be found, for example, in Applicants' specification at page 3, lines 17-19 and page 5, lines 8-14.

For example, Yamazaki states at column 8, lines 28-34, that, "The start time of a reserved time zone is input to 601 and 602. The end time of the reserved time zone is input to 603 and 604. By pressing the "OK" button of 605, the reserved time is transmitted to an image processor. The reserved time is stored in the timetable 501 in Fig. 5. When the reserved time set here is already reserved by other user, it is necessary to reset a reserved time."

Claim 1, as amended, recites the step of "allowing only one of the users to own the data channel at any single point in time *on a fair-sharing first come first serve basis*." In the present invention, there is no ownership of a data channel based on time reservations, but rather, with the present invention data channel ownership is based on fair sharing of the data channel on a first come first serve basis. As stated in Applicants' specification at page 3, lines 17-19, "Workstation host-based networking print drivers are designed to cooperate in order to

facilitate the “fair-sharing” of the host-based networking printer amongst a number of workstations.” As further stated at page 5, lines 8-14, “According to the command channel logic, the host-based networking hardware waits for a command signal to do something. If the command is a connect signal, then the printer checks for data channel ownership. If the data channel is not in use, then the sender of the connect signal is recorded as the owner of the data channel and the STATUS response containing the new owner is transmitted to the sender. If, on the other hand, the data channel already has an owner, then the STATUS response containing the current owner is sent to the sender of the connect signal.” Thus, the present invention is not time reservation based, as in Yamazaki, but rather, the present invention is time independent and allows only one of the users to own the data channel at any single point in time on a fair-sharing first come first serve basis.

Accordingly, claim 1, and claims 2-16 dependent therefrom, are believed patentable over Yamazaki.

Claim 17 as amended recites, in part, “allowing only one of the users to own the data channel at any single point in time on a fair-sharing first come first serve basis.” Claim 17 is believed patentable over Yamazaki for substantially the same reasons set forth above with respect to claim 1.

Claim 18 as amended recites, in part, “sharing a network appliance between a plurality of users on a computer network on a fair-sharing first come first serve basis.” Claim 18 and claims 19-23 dependent therefrom, are believed patentable over Yamazaki for substantially the same reasons set forth above with respect to claim 1.

In the event Applicants have overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby

conditionally petition therefor and authorize that any charges be made to Deposit Account No. 20-0095, TAYLOR & AUST, P.C.

Should any question concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (317) 894-0801.

Respectfully submitted,



Ronald K. Aust  
Registration No. 36,735

Attorney for Applicants

RKA/ts

TAYLOR & AUST, P.C.  
12029 E. Washington St.  
Indianapolis, IN 46229  
Telephone: 317-894-0801  
Facsimile: 317-894-0803

Enc.: Return postcard

---


CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450, on:  
January 3, 2006.

Ronald K. Aust, Reg. No. 36,735

---

Name of Registered Representative

---

Signature

January 3, 2006

---

Date